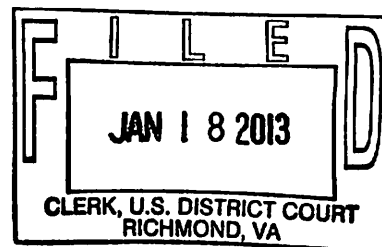


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



**WILLIE UNIQUE DAVIS,**

Plaintiff,

v.

Civil Action No. 3:12CV624

**DOCTOR RUBY, et al.,**

Defendants.

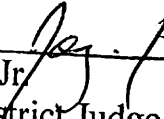
**MEMORANDUM OPINION**

By Memorandum Order entered on September 20, 2012, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the Court's order to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant complaint. See 28 U.S.C. § 1914(a). Plaintiff's actions demonstrate a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE. Plaintiff's motion to appoint counsel will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 1/17/13  
Richmond, Virginia

/s/   
John A. Gibney, Jr.  
United States District Judge